



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,490	06/18/2001	Michael Wayne Brown	AUS920010546US1	4144

7590 07/22/2004

Duke W. Yee  
Carstens, Yee & Cahoon, LLP  
P.O. Box 802334  
Dallas, TX 75380

EXAMINER
----------

AMSBURY, WAYNE P

ART UNIT	PAPER NUMBER
----------	--------------

2171

DATE MAILED: 07/22/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application**

09/884,490

**Applicant(s)**

BROWN ET AL.

**Examiner**

Wayne Amsbury

**Art Unit**

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

CLAIMS 1-34 ARE PENDING

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. An Appeal Conference was held on 5/20/04 between Safet Metjahic, Dov Popovici, and Wayne Amsbury concerning the Appeal Brief of 4/30/04 and an Examiner's Answer to that brief. The majority view was that although one of skill in the art would concur with the correspondence between the removals of access represented by deletion of files in the art and "remove selected information" of the claims, the mapping of the rejection and consequent arguments might fail to meet the legal standard of explicitness that could be required by the Board of Appeals for confirmation. The Examiner dissents, as set forth in an Examiner's Answer, but in the interest of compact prosecution, prosecution is hereby re-opened and a more explicit rejection is proffered below.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-5, 14-18, 24, 27-28 and 31-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukuoka et al (Fukuoka), US 5,872,916, 16 February 1999.**

Fukuoka is directed to a method of managing user environment information [COL 1 lines 7-10]. While it is considered that Fukuoka clearly anticipates at least some of the claims, the details of anticipation are mapped below:

As to **claim 1**, Fukuoka teaches receiving information from a plurality of users [FIG 1, 1B, 1C; COL 1 lines 42-46] and storing it in a user information managing database [COL 2 lines 2-6]. The system receives a request to remove selected information when a user asks the system manager to remove a user environment [COL 1 lines 42-45; COL 3 lines 1-3]. Asking for either a start or a stop clearly corresponds to a transaction, and Fukuoka points out that a user defines the information in the user database [FIG 1; COL 2 line 54 and after].

As to **claim 2**, removal occurs only when an authorization is successful [COL 2 lines 7-12].

As to **claim 3**, a password is used to determine whether or not a request for removal is valid [COL 3 lines 19-43].

As to **claim 4**, the user environment and access password are personal, and there is a user ID associated with it [COL 3 lines 28-43], and other personal information [COL 5 line 65 and after].

The elements of **claims 5, 14-18, 24, 27-28 and 31-32** are rejected in the analysis above, and these claims are rejected on that basis.

**4. Claims 6-13, 19-23, 25-26, 29-30 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuoka et al (Fukuoka), US 5,872,916, 16 February 1999.**

Official notice is taken that it was well known at the time of the invention to use bus systems in communication devices [claims 12 and 13], the Internet as a convenient and efficient network, Web pages [claims 8-11, 21-23, 25-26, 29-30 and 33-34], browsers, credit cards [claims 6, 10, 19 and 23], and applets [claims 7 and 20]. In particular:

**It would have been obvious** to one of ordinary skill in the art at the time of the invention to embody the system of Fukuoka comprising a bus system because it is a standard, efficient, fast, and cheap means of transmitting information within a system.

**It would have been obvious** to one of ordinary skill in the art at the time of the invention to use a credit card number in the system of Fukuoka because it is a convenient means of charging a bill [COL 5 line 65 and after].

**It would have been obvious** to one of ordinary skill in the art at the time of the invention to transmit information through the Internet in the system of Fukuoka as network 110 because it provides efficient and cheap access to a very large collection of nodes. **It would have been further obvious** to one of ordinary skill in the art at the time of the invention to transmit data by way of Web pages because the Web is a cheap and effective component of the Internet.

**It would have been obvious** to one of ordinary skill in the art at the time of the invention to utilize applets within the system because they are standard and efficient means of transmitting a process across the Web.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 703-305-3828. The examiner can normally be reached on M-TH 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER